

REMARKS

Claims 124-143 were pending in the present application and no amendment to the claims are made. Therefore, claim 124-143 will be under examination.

Applicants have filed, on July 15, 2005, a Petition to Correct Inventorship from the joint inventorship of Zheng J. Li and Andrew W. Trask to the joint inventorship of Zheng J. Li, Andrew W. Trask and Joseph E. Mertz.

Applicants further request that special handling be given to the present application under M.P.E.P. Section 1309(A) when it is in condition for allowance because the present application was made special by the Director. M.P.E.P. Section 1309 also states that "to ensure that any application falling within the scope of the categories outlines above and identified by (A) to (E) receive special treatment, the examiner should e-mail or otherwise contact the Image Assistance Center in the Office of Patent Publication for special treatment."

REJECTION OF CLAIMS UNDER DOUBLE PATENTING

Claims 124-143 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and claims 13-31 of U.S. Patent Publication No. 20040138149.

Applicants note that U.S. Patent Publication No. 20040138149 corresponds to U.S. Serial No. 10/650,254 which was abandoned on July 12, 2004. For your convenience, a copy of the July 12, 2004 Notice of Abandonment is enclosed.

In addition, Applicants have also filed, on July 8, 2005, a Terminal Disclaimer with regard to U.S. patent application No. 10/650,252 filed on August 27, 2003, U.S. patent application No. 10/650,253, filed on August 27, 2003 and U.S. patent application No. 10/652,933 filed on August 28, 2003. Therefore, this ground of rejection is moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION OF CLAIMS UNDER 35 U.S.C. 103(a)

Claims 124-143 stand rejected as unpatentable under 35 U.S.C. 103(a) over Singer et al., WO 00/32203 ("Singer") in view of Garcia et al., U.S. Patent No. 6,528,492 ("Garcia").

Applicants respectfully disagree with this ground of rejection. Applicants have enclosed a 131 Declaration from Joseph E. Mertz which state that the claimed subject matter in the present application was reduced to practice prior to May 8, 1998 which was before

November 30, 1998, the earliest priority date of Singer, as well as July 25, 2000, the earliest priority date of Garcia. Therefore, both Singer and Garcia should be removed as references against the present invention. Accordingly, this ground of rejection is moot.

CONCLUSION

In view of the remarks, the Terminal Disclaimer and the 131 Declaration from Joseph E. Mertz, further and favorable consideration of all pending claims and the issuance of a Notice of Allowance with regard to all pending claims are respectfully requested.

It is believed that no fee is deemed necessary in connection with the filing of the present Response. However, if any fees are required, the Commissioner is hereby authorized to charge any such fees to our Deposit Account No. 16-1445.

Respectfully submitted,

Date: July 19, 2005

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